

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Inventor: Akihiko NISHIO et al. Art Unit 2617
Appln. No.: 10/566,732 Exr. F. Casca
Filed: February 2, 2006 Conf. No. 9737
For: WIRELESS COMMUNICATION APPARATUS AND WIRELESS
COMMUNICATION METHOD

SUMMARY OF SUBSTANCE OF TELEPHONE INTERVIEW

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants wish to thank the examiners for the courtesy extended to Applicants' representative during a telephone interview conducted on December 30, 2009. The participants were Exr. Fred Casca, SPE Paul Harper, and David Ward, Reg. No. 45198. A summary of the substance of the issues discussed during the interview is included below.

At the outset, Examiner Casca stated he would have to consider Applicants' claims and remarks, submitted in the Amendment filed December 29, 2009, in greater detail to determine whether they overcome the 35 USC 112, first paragraph rejections.

With regard to the art-based rejections, the arguments presented in the above-mentioned Amendment were discussed. The examiners stated their belief that the claims presented in the Amendment do not distinguish over the applied references.

The examiners suggested amending the claims to recite that information of a number of subcarriers is extracted from a received data message, so as to distinguish the claimed subject matter from the references' disclosures of counting the number of received subcarriers.

If any issues remain which may best be resolved through a telephone communication, the Examiner is requested to telephone the undersigned at the local Washington, D.C. telephone number listed below.

Respectfully submitted,

/James Edward Ledbetter/

Date: January 15, 2010
JEL/DWW/att

James E. Ledbetter
Registration No. 28,732

Attorney Docket No. 009289-06112
Dickinson Wright PLLC
1875 Eye Street, NW, Suite 1200
Washington, DC 20006
Telephone: (202) 659-6966
Facsimile: (202) 659-1559